

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RAAHID SALAH GAFFNEY d/b/a )  
Stop & Go Deli, )  
Plaintiff )  
v. ) No. 1:17-00393-MSM-LDA  
UNITED STATES DEPARTMENT )  
OF AGRICULTURE, FOOD AND )  
NUTRITION SERVICE RETAILER )  
OPERATIONS DIVISION, )  
Defendant. )

## ORDER

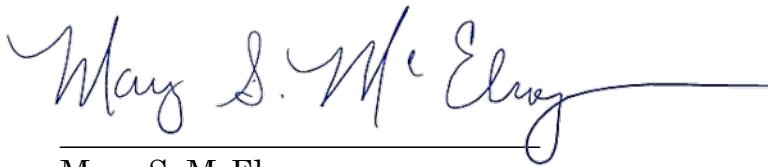
Mary S. McElroy, United States District Judge.

The Court granted the defendant's motion for summary judgment on September 30, 2021. Twenty-eight days later, the plaintiff moved for reconsideration. (ECF No. 45.) While a district court has discretion to reconsider its previous decisions, and Fed. R. Civ. P. 59(e) provides a vehicle to alter or amend judgments, relief should be granted sparingly. *Biltcliffe v. CitiMortgage, Inc.*, 772 F.3d 925, 930 (1st Cir. 2014). “A motion for reconsideration is not … a mechanism to regurgitate ‘old arguments previously considered and rejected.’” *Id.*, partially quoting *Nat'l Metal Finishing Co., Inc. v. BarclaysAmerican/Commercial, Inc.*, 899 F.3d 119, 123 (1st Cir. 1990). The instant motion does just that. The Court previously considered and rejected the plaintiff's argument that he complied with the rigid requirements for

requesting in a proper and timely way a Civil Monetary Penalty *in lieu* of permanent disqualification. The case relied upon by the plaintiff, *7-Eleven #22360 et al., Plaintiffs v. United States*, \_\_\_ F.Supp.3d \_\_\_, 2021 WL 4264824 (D.Md. Sept. 17, 2021), could not be factually more different from this: there, the request was explicit and made within ten days of the charge, the 7-Eleven franchiser produced substantial evidence (consisting of the testimony of three witnesses) of an extensive employee training and continuing retraining program, and signs were posted in the store. In dramatic contrast to this case, one employee violated the rules on only two occasions, while others refused to do so; the offending employee was promptly terminated. Here, there were literally thousands of suspect transactions over a four-month period.

The plaintiff has not met the standard for reconsideration and his motion is therefore DENIED.

IT IS SO ORDERED:



Mary S. McElroy,  
United States District Judge

Date: November 22, 2021